

### **Remarks**

The Office Action dated September 16, 2005 has been received and duly noted.

The Examiner indicated that Claim 11 would be allowable if rewritten in independent form. Claim 1 has been amended to include the limitation from Claim 11, and accordingly amended Claim 1 and dependent Claims 2-10, 12 and 13 should be in condition for allowance. Similarly, the Examiner indicated that Claim 14 would be allowable if amended to include the limitation from Claim 19. Claim 14 has been amended to include this limitation, and accordingly amended Claim 14 as well as dependent Claims 15-18 and 20-23 should be in condition for allowance.

The Examiner provisionally rejected numerous claims as being unpatentable over certain claims in Application 10/421,135. The Examiner indicated that the conflicting claims not identical, but contends that they are not patentably distinct from each other because the claims are substantially identical. There is, however, a substantial difference between the pending claims and the cited claims in Application 10/421,135. More particularly, the Examiner incorrectly contends that the present application calls for radially expanding the tubular, while Claim 1 of Application 10/421,135 calls for expanding. Claim 1 of the present application is particularly directed, however, to a method of drilling a deviated portion of a borehole and positioning a fluid permeable tubular therein. A fluid permeable tubular, as disclosed in the present application, is a tubular which is not solid and thus permits flow through the wall of the tubular. Claim 1 particularly recites inserting a fluid permeable tubular having a run-in diameter at a desired location within the deviated portion of the borehole, thereby clearly reciting that

the inserted tubular is fluid permeable prior to being positioned at its desired location within the borehole. Application 10/421,135, on the other hand, does not disclose a method of inserting a screen or other fluid permeable tubular within a deviated portion of a borehole, and instead discloses a pipe or other solid tubular which is inserted into the borehole. Applicant submits that the insertion of screens and other fluid permeable tubulars in a borehole is significantly distinguishable from inserting a pipe or other solid tubular in a borehole, and that tubular expansion of a screen presents problems which are significantly dissimilar to tubular expansion of a solid tubular. Applicant therefore submits that the prior art teaching with respect to a solid tubular inserted into a borehole and subsequently expanded, as disclosed in Application 10/421,135, does not disclose or suggest an improved technique for inserting a screen or other fluid permeable tubular in a borehole.

With respect to independent Claim 24, Wylie et al. does not teach expanding a fluid permeable tubular downhole into contact with a deviated borehole portion of the well, as recited in Claim 24.

The Examiner further indicates that dependent Claim 2 was provisionally rejected based upon Application 10/421,135, and is also rejected based upon Wylie et al. Neither of these references, however, teaches radially expanding a fluid permeable tubular downhole to be in contact with an open hole portion of the wellbore. To the contrary, each of these references instead discusses expansion of a solid tubular, and also discloses an annulus between the borehole wall and an external diameter of the expanded tubular, so that the tubular can be cemented in the wellbore after expansion.

The limitation of radially expanding the downhole fluid permeable tubular to place the tubular in contact with the open hole portion of the wellbore is also set forth in independent Claim 14.

With respect to dependent Claims 12 , 21 and 34, Wylie teaches that a hole may be drilled to a depth of 16,000 feet, and then a solid tubular inserted in all or part of that well. These claims do not, however, provide the depth of the well to which a solid tubular is inserted, but rather recite that the fluid permeable tubular is more than 5,000 feet in length and is inserted in a substantially horizontal portion of the borehole. Wylie does not discuss the length of a fluid permeable tubular or a solid tubular inserted in the substantially horizontal portion of the wellbore.

With respect to dependent Claims 9, 10, 17, 18, 31 and 32, these claims were rejected as being obvious over Wylie in view of Anderton et al. Anderton relates to the expansion of a solid tubular, and nowhere discloses or suggests a ratio between tubing diameter and wall thickness for a screen or other fluid permeable tubular expanded downhole in a well. A solid tubular with a given wall thickness may be more easily inserted in a borehole than a screen, since axial forces can be more easily resisted by a solid tubular than by a perforated tubular or screen. Accordingly, Applicant submits that the references cited by the Examiner do not disclose the wall thickness for a perforated tubular expanded downhole.

Various other claims were rejected as being unpatentable for Boulton '892 in view of Simpson '532. As previously noted, Boulton does not teach expanding a tubular, and further does not teach expanding a perforated tubular or a screen. Simpson does relate


to tubing expansion, but those skilled in the art appreciate that a screen or perforated tubular is not inserted to line a borehole, but rather mechanically separates an interior of the screen from the wall of the borehole. The Examiner further indicates the tubular will be expanded to be in contact with the open hole when used in open hole wells. Applicant respectfully submits that neither of these references suggest expanding a perforated tubular into contact with an open hole, and that solid tubulars conventionally are not expanded into contact with the open hole, but rather are expanded so that an annulus is formed between the borehole wall and the outer diameter of the expanded solid tubular for receiving cement, as shown by the cited references. The Examiner contends that Boulton teaches improved hole quality which allows a larger casing to be used, but it does not follow from that disclosure that less expansion is desired for a screen tubular.

With respect to dependent Claim 7, 8, 14, 16, 29 and 30, the Examiner recognizes that Boulton does not disclose an expansion rate of less than 10%, but notes that Boulton does improve borehole quality which allows the larger casing to be used, and that less expansion of the casing is required. Nothing in Boulton suggests, however, that there is any desirability to less expansion of a screen or other perforated tubular as compared to conventional expansion. Expansion of a solid tubular requires much higher forces than those required to expand the same diameter screen with the same wall thickness, and therefore there is less reason to be concerned with expansion of a screen compared to a solid tubular.

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Amendment Dated: November 18, 2005  
Reply to Office Action of September 16, 2005

In view of the above, early allowance of the Application is requested.

Respectfully submitted,

  
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By:   
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